



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Akihiro KURODA

Title:

COSMETIC COMPOSITION EXHIBITING WATER-RUNABILITY, ITS

MANUFACTURE AND USE (AS AMENDED)

Appl. No.:

10/507,501

International

03/11/2002

Filing Date:

371(c) Date:

09/13/2004

Examiner:

Layla Soroush

Art Unit:

1617

Confirmation

6483

Number:

# INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

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The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

#### RELEVANCE OF EACH DOCUMENT

In a counterpart Japanese application, an Office Action dated March 6, 2007, was received by Applicants. According to an English translation of the Japanese Office Action obtained by Applicants' representative, the Japanese Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action. A copy of the Japanese Office Action and English language translation are attached herewith.

Applicant wishes to advise the Examiner that documents JP 7-267819 and WO 01/15658, cited in the Japanese Office Action were previously submitted in Information Disclosure Statements dated September 13, 2004 and January 27, 2006, respectively.

Unless otherwise indicated, no English translation is readily available (not considering machine-generated translations that may be freely available online, to both the Applicant and the PTO) for each of the non-English language documents. However, a commercially available English language abstract is provided herewith, where indicated on the attached Form PTO/SB/08. Inasmuch as Applicants have endeavored to provide at least one item that complies with the requirement for a "concise explanation of relevance" for each of the non-English language documents, each of these documents has been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

### **STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date: April 2, 2007

FOLEY & LARDNER LLP Customer Number: 22428 Telephone: (202) 672-5414 Facsimile: (202) 672-5399 Richard L. Schwaab Attorney for Applicant Registration No. 25,479

By Kighwall

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|-----------------------------------|---------------------|-------|----------|------------------------|----------------|-------------|--|
|                                   | INFORMATION DI      | SCLO  | SURE     | Application Number     | 10/507,501     | 100         |  |
| STATEMENT BY APPLICANT            |                     |       | CANT     | Filing Date            | 03/11/2002     | IN APD S    |  |
|                                   |                     |       | 2007     | First Named Inventor   | Akihiro KURODA | 7 / 2 / 5   |  |
| Date Submitted: April 2, 2007     |                     |       |          | Art Unit               | 1617           | (00)        |  |
| (use as many sheets as necessary) |                     |       | cessary) | Examiner Name          | Layla Soroush  | (A)         |  |
| Sheet                             | 1                   | of    | 1        | Attorney Docket Number | 016912-0209    | MORNARM FOR |  |

| U.S. PATENT DOCUMENTS |              |   |                                |   |  |
|-----------------------|--------------|---|--------------------------------|---|--|
| Examiner Initials*    | Cite<br>No.1 | Document Number  Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear |
|                       |              |   |                                |   |  |

| Examiner<br>Initials* |                          | Foreign Patent Document   |                                |   | Pages, Columns,<br>Lines, Where                       |                |
|-----------------------|--------------------------|---|--------------------------------|---|---|----------------|
|                       | Cite<br>No. <sup>1</sup> | Country Code <sup>3-</sup> Number <sup>4-</sup> Kind<br>Code <sup>5</sup> ( <i>if known</i> ) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Documents | Relevant<br>Passages or<br>Relevant<br>Figures Appear | T <sup>6</sup> |
|                       | A1                       | JP 2000-264824 A  | 09-26-2000                     | KANEBO LTD.   |   | Abst.          |
|                       | A2                       | JP 11-209646 A  | 03-08-1999                     | KANEBO LTD.   |   | Abst.          |
|                       | A3                       | JP 2000-273011 A  | 10-03-2000                     | KANEBO LTD.   |   | Abst.          |
|                       | A4                       | JP 2000-053554 A  | 02-22-2000                     | KAO CORP.   |   | Abst.          |
|                       | A5                       | JP 6-135818 A   | 05-17-1994                     | SHISEIDO CO., LTD.                                  |   | Abst.          |

| NON PATENT LITERATURE DOCUMENTS |                          |  |                |  |  |
|---------------------------------|--------------------------|--|----------------|--|--|
| Examiner<br>Initials*           | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |  |  |
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|                                 |                          |  |                |  |  |

| Examiner<br>Signature |         | Date<br>Considered |  |
|-----------------------|---------|--------------------|--|
|                       | <u></u> |                    |  |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.